

# THE DAILY RECORD

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## Ex-Lawyer From Region Explores Second Acts

By Scott Stewart  
The Daily Record

Change is inevitable.

With age comes experience, and often more aches and pains. It changes your perspective, and the time comes when there are fewer opportunities available to you.

As time goes on, the workplace changes. There are new technology and business models, new colleagues and co-workers, new cultures and values. The world of work doesn't stand still, and that as true in the practice of law as in many other professional fields.

Former local attorney jennifer j. rose was a solo practitioner for nearly 21 years in rural southwest Iowa. She served as a city attorney, an assistant county attorney, a mental health referee and court-appointed counsel.

Yet rose didn't follow the rules of conventional legal practice. She didn't want to be a general practitioner, so she wasn't. She took credit cards at a time when doing so was unprofessional. She was an early adopter of the fax machine, and later of email.

She also took a month off from

work at a time. "Because I could," rose said in an email interview.

"And that would lead to taking a month off in the winter, and another six months later. And that would lead to eventually building a home in Mexico."

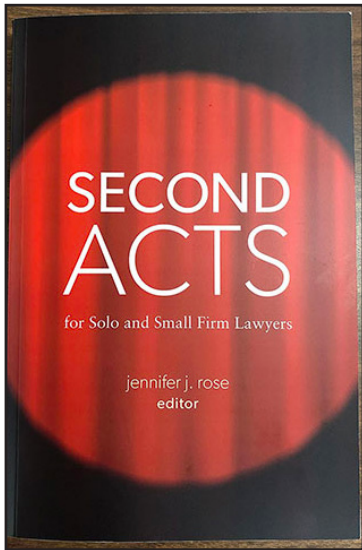
In 1997, rose closed up shop in Shenandoah, Iowa, about an hour outside of Omaha, and moved to Mexico. She maintained her law license as a safety net, but she eventually let it expire for good about a decade later.

Now rose writes about the legal profession and has edited books

for the American Bar Association, including her latest text, "Second Acts for Solo and Small Firm Lawyers," which is available from ABA Publishing and will be widely released in early 2020.

The book explores the decision to retire, as well as when the timing isn't up to the attorney. It also looks at maintaining bar status, taking work in different directions and that there's more to life than practicing law. The book has an explainer on Social Security, too.

"While lawyers talk a good line  
See SECOND ACTS, page 2



## Native Hawaiians Say Telescope Represents Bigger Struggle

By Jennifer Sinco Kelleher  
The Associated Press

Honolulu — Walter Ritte has been fighting for decades to protect Native Hawaiian rights, inspiring a new generation of activists trying to stop construction of a giant telescope they see as representative of a bigger struggle.

In his early 30s, Ritte occupied a small Hawaiian island used as a military bombing range. Now at 74, he's still a prolific protester, getting arrested this week for blocking a road to stop construction of the one of the world's most powerful telescopes on Hawaii's tallest peak, which some Native Hawaiians consider sacred.

For activists who say they're protecting Mauna Kea, the long-running telescope fight encapsulates critical issues to Native Hawaiians: the 1893 overthrow of the Hawaiian kingdom, clashes over land and water rights, frustration over tourism, attempts to curb development and questions about how the islands should be governed.

It's an example of battles by Native Americans to preserve ancestral lands, with high-profile protests like Dakota Access pipeline leading to arrests in southern North Dakota in 2016 and 2017.

For Native Hawaiians, opposition to the \$1.4 billion Thirty Meter Telescope isn't universal — some support the educational opportunities from the project and are facing



This file illustration provided by Thirty Meter Telescope (TMT) shows the proposed giant telescope on Mauna Kea on Hawaii's Big Island. Construction on giant the telescope was to start again in the third week of July 2019, after court battles over the Hawaii site that some consider sacred. (TMT via AP)

backlash from those questioning their identity.

Ritte's first taste of activism came during a resurgence of cultural pride and identity that began in the late 1960s and 1970s. He and other Native Hawaiian men hid on the small island of Kahoolawe that the military used for bombing practice. They were arrested, but the U.S. eventually stopped the training.

"We didn't know anything about ourselves as Hawaiians," Ritte said of his youth. "When we got involved with Kahoolawe, we had no

language, no history."

The young people leading the fight against the telescope grew up learning about his experiences and speaking Hawaiian amid an ongoing cultural renaissance. A 30-year-old leader of the telescope protest, Kaho'okahi Kanuha, credits Ritte and the Hawaiian movement for allowing him to grow up rooted to his culture.

"Uncle Walter can talk about not knowing the language and not knowing the history. But he knew how to stand up, and he knew how to fight," Kanuha said. "Because of

the things they did, the results were Hawaiian language programs. The results were revitalization of the culture and of understanding and of awakening."

At Mauna Kea, Kanuha wears a traditional battle helmet as he speaks Hawaiian with protesters and negotiates with law enforcement. Thanks to the movement, he said he was able to learn Hawaiian at an immersion preschool and eventually earn a bachelor's degree in Hawaiian language from the University of Hawaii.

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## Medical Marijuana Petition Running Strong

By Grant Schulte  
The Associated Press

Lincoln — Organizers of a petition drive to legalize medical marijuana in Nebraska say they're hitting their early signature goals with help from an all-volunteer network, but opponents are mobilizing to fight the measure if it appears on the 2020 ballot.

Volunteers have already gathered more than 15,000 signatures in their quest to place the issue before voters in the 2020 general election, and campaign organizers haven't even started using paid signature collectors, who are generally needed to ensure a successful petition drive.

"We keep picking up momentum, and we feel like we're hitting our goals," said state Sen. Anna Wishart, a co-chair of Nebraskans for Sensible Marijuana Laws. "Right now, we've got people volunteering in many counties across the state. That's how popular this is."

The ballot measure would guarantee a constitutional right to buy, use and grow marijuana if a doctor recommends it, with no restrictions on which medical needs qualify. It also would allow users to smoke the drug in homes or other private settings and prevent state lawmakers from imposing an undue burden on access to the drug. If voters approve the measure, users would be allowed to grow an "adequate" supply.

Nebraska lawmakers have rejected medical marijuana bills three times, even though some of the measures would have banned marijuana smoking and imposed tight controls on how much one person can possess. Frustrated with the Legislature's unwillingness to

See MARIJUANA, page 3

## Ex-Marine, Professor, MLB Draft Pick Among Supreme Court Clerks Picked for Next Session

By Jessica Gresko  
The Associated Press

Washington — A former Marine who deployed twice to Afghanistan. A patent law professor. A woman who's blind. Two Rhodes scholars.

They're among the lawyers starting work this summer as law clerks at the Supreme Court.

The group of 16 women and 23 men hired by the justices were already on paths to become leading judges, professors and Supreme Court advocates. The one-year clerkship will cement their high-profile status.

"I think clerking on this court affects everybody's career who does it. ... You put it on your resume and all of a sudden doors open, sometimes justifiably so and sometimes not," Justice Elena Kagan has said.

She should know.

Kagan, who clerked for Justice Thurgood Marshall, is one of five current justices who was once a Supreme

Court clerk. So was Chief Justice John Roberts. Justices Stephen Breyer, Neil Gorsuch and Brett Kavanaugh also clerked.

Justices hire four clerks annually; retired justices hire one. The clerks review potential cases, help their justice prepare for arguments, conduct research and write draft opinions.

Scholars disagree about how much influence the clerks have. But what is clear is that while the justices are the public face of the court, the clerks are their behind-the-scenes assistants who help the place run. Clerks generally decline to give interviews until after their clerkships are over. Even then, they are careful about what they will say.

For their work, they're paid about \$83,000. When they're done, law firms have recently been offering bonuses of \$400,000 to clerks who join them.

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## Second Acts

Continued from page 1

about planning for the future and other contingencies, for the most part, they’re the cobbler’s unshod children,” rose said. “Many lawyers have raised procrastination to an art form, considering themselves bullet-proof, and convinced somehow that they’ll be one of those outliers who can still practice law at the age of 100.”

Many lawyers feel they can’t afford to leave the practice, and not much attention is paid to the lives of lawyers after retirement.

“Lawyers really are a conservative, risk-adverse lot,” rose said. “Many lawyers think they can’t afford to give up their day jobs or aren’t willing to accept the changes in lifestyle that might accompany a career change.”

There’s also the loss of prestige and respect that can be associated with the profession. In fact, “too many lawyers are so wrapped up in their identities as lawyers that they’re afraid to contemplate life without that bar card,” rose said.

The profession is changing, though, and today’s solo and small firm lawyers have to adapt at greater speeds than ever before just to survive, let alone thrive.

At some point, it may be worth considering a career – or a life that isn’t as devoted to work – outside of the practice of law.

For those considering their options, rose recommends preparing to accept the changes that will come as part of their second act. She also recommends looking at what other lawyers are doing outside of the office.

“Following your passion might not have been practical for lawyers in the early and middle stages of their careers, but that’s what second acts are all about,” rose said. “Your professional career will peak at year 20, and after that, decline is on its way.”

Hobbies can turn into small businesses, and volunteer work can keep professionals engaged in a variety of activities – whether that’s pro bono legal work or coaching youth soccer. Golf is a common pursuit, but there’s also building furniture, learning to fly planes and many other ways to spend one’s golden years.

“The second act’s coming for you, whether you like it or not, so you might as well prepare for it,” rose said. “If there is ever a time to do whatever you darn well please, now’s the time.”

## Telescope

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He’s fighting a project that dates to 2009, when scientists selected Mauna Kea after a global campaign to find the ideal site for what telescope officials said “will likely revolutionize our understanding of the universe.” The mountain on the Big Island is revered for its consistently clear weather and lack of light pollution.

The telescope won a series of approvals from Hawaii, including a permit to build on conservation land in 2011. Protests began during a groundbreaking in 2014 and culminated in arrests in 2015.

Last year, the state Supreme Court upheld the construction permit, though protesters are still fighting in court and at the mountain.

Thirty-four people, mostly elders, were arrested this week as officials try to start building again.

The swelling protest is a natural reaction to the pain Native Hawaiians have endured and the changes the islands have seen, said Glen Kila, program director of Marae Ha’a Koa, a Hawaiian cultural center.

“The pain began when they took people off the land,” he said. “And then they took governance and stewardship of the land, like Mauna Kea.”

The battle is bigger than the telescope, said Hinalaimoana Wong-Kalu, a teacher and cultural practitioner.

“The TMT and Mauna Kea is just the focal point. For me it’s just a galvanizing element,” she said. “It goes back to the role that foreigners played and continue to play in Hawaii.”

From 18th century explorer James Cook’s arrival in the islands, to laborers brought to plantations and today’s tourism, the telescope is another example of outside interests overtaking Hawaiian culture, she said.

“They capitalize and commercialize our culture,” Wong-Kalu said. “They prostitute the elements that make us Hawaiian. They make it look pretty and make it look alluring in an effort to bring more money into this state.”

But not all Native Hawaiians see the telescope as representative of past wrongs.

“My family feels that they’re trying to use the TMT to boost their sovereignty issue,” said Annette Reyes, a Native Hawaiian who supports the telescope project. “I want sovereignty for the Hawaiian people. I want them to have their country back. But TMT shouldn’t

be the lightning rod for it.”

Reyes pointed to telescope officials’ pledge to provide \$1 million every year to boost science, technology, engineering and math education. She said opponents have called her a fake Hawaiian for supporting the project.

For some, it’s not just a political issue. It’s spiritual for Kealoha Pisciotta, who’s long fought the telescope.

“The problem is being Hawaiian today is a political statement,” she said. “We have to take political action to practice religion.”

Mauna Kea is a “living entity” that “gives life,” Kila said.

“So that’s a different philosophy from the scientific world, that it’s just a mountain that can be used for an observatory. It can be developed. For us, that’s sacrilegious,” he said.

For Ritte and others, the telescope is the latest battle over Hawaiian culture. He spent 11 hours Monday lying attached to a grate in the road leading up to Mauna Kea’s summit with seven other protesters.

“We protected and saved Kahoolawe from the United States military,” Ritte said. “Now we have to save and protect the rest of our islands.”

## Mosquitoes Carrying West Nile Virus Found in 2 Omaha Parks

Mosquitoes at two Omaha parks tested positive for the West Nile Virus late last week.

The four pools, two each at Seymour Smith Park and Zorinsky Lake Park, were the first pools to test positive for the virus this year, according to the Douglas County Health Department. The results were reported to the Nebraska Public Health Lab.

High populations of mosquitoes have been reported since May when the Douglas County Health Department began its annual census operation. Until this latest report, no pools in the state had tested positive for West Nile Virus.

Last year Nebraska had 245 human cases of West Nile, the highest in the nation. Seventy-one of those were in Douglas County.

“This report is a strong indication everyone should be following our recommendations for protecting yourself from mosquito bites,” Health Director Dr. Adi Pour said.

To reduce your chances of mosquito bites:

- Following label instructions, apply a mosquito repellant containing DEET, picaridin or oil of lemon eucalyptus.
- Minimize your activities outdoors at dusk and dawn when mosquitoes are most active.
- Wear loose, long-sleeved shirts, plus pants, shoes and socks when you’re outdoors.
- Remove standing water whenever possible.
- Empty buckets and pet dishes on a daily basis and bird baths on a weekly basis.
- Clear weeds and anything else that may block water from draining properly.
- Follow proper swimming pool maintenance procedures.
- Keep water moving in ponds or fountains.

“The West Nile virus will be a concern until the first hard frost,” Pour said.

– Douglas Co. Health Dept.

## Supreme Court Clerks

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This year’s clerk group is not without some controversy.

One Kavanaugh clerk is Sophia Chua-Rubinfeld, whose mother, Yale law professor Amy Chua, wrote a Wall Street Journal article praising Kavanaugh as a mentor to women following his nomination. The article came out before Kavanaugh was accused of a sexual assault alleged to have happened decades ago; he denied the accusation. Chua’s article was criticized as self-serving given that her daughter already was in line to clerk for Kavanaugh before President Donald Trump nominated the federal appeals court judge.

Another incoming clerk is Clayton Kozinski, who clerked for Kavanaugh at the appeals court and is now working for retired Justice Anthony Kennedy. Kozinski’s father, Alex Kozinski, retired abruptly in 2017 from the San Francisco-based 9th U.S. Circuit Court of Appeals following accusations by women, including former law clerks, that he had touched them inappropriately, made lewd comments and shown them pornography. Kozinski said at the time that many of the things being said about him were not true.

Justices are looking for different things in their clerks.

Top academic credentials are a must. Half the group this year attended law school at Harvard or Yale.

Justice Sonia Sotomayor has said she wants clerks “committed to making a contribution to the world.” Kavanaugh, during his confirmation hearing last year, highlighted his record of hiring female and minority clerks as an appeals court judge. His first group of Supreme Court clerks was all women, a court first.

“There’s all sorts of quirky reasons to explain choices,” said law professor Todd Peppers, who wrote a book about clerking and noted that Chief Justice William Rehnquist liked clerks who played

tennis. Justice John Marshall Harlan II preferred golfers.

While most clerks are relatively recent law school graduates, two Breyer and two Gorsuch clerks are older. One Gorsuch clerk is Notre Dame law professor Stephen Yelderman, who clerked for Gorsuch when Gorsuch was an appeals court judge.

The clerks have accomplishments beyond academics.

Kagan clerk Jordan Bock rowed at Harvard, where she studied physics, astrophysics and government. Roberts clerk Joseph Falvey served in the Marines. Megan Braun, another Roberts clerk, played college water polo and was a Rhodes scholar. Mark Jia, retired Justice David Souter’s clerk, was also a Rhodes scholar. Like other clerks for retired justices, he’ll also help a current justice.

Justice Clarence Thomas has said he likes to have clerks who come from different parts of the country and from modest backgrounds. He tends to hire clerks who share his conservative legal philosophy. Among his hires this year is Notre Dame graduate Laura Wolk, who lost her eyesight to retinal cancer as a child.

Wolk, only the second blind person to clerk at the court, seems to share with Thomas a passionate opposition to abortion. Thomas this year likened abortion to eugenics. Wolk has said that “even the most severely disabled” can teach others “about what it means to be human.”

Thomas also chose for his team this year James “Matt” Rice, a law school graduate of the University of California, Berkeley. A catcher at Western Kentucky, he was picked 1,525th – dead last – in the 2010 major league draft but returned to school for his senior year. He signed with Tampa Bay after being chosen in the ninth round the next year and then played two summers in the minor leagues.

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